

Minutes of: CALIFORNIA STATE ATHLETIC COMMISSION
Meeting Specifics: Regular Commission Meeting
August 29, 2002 – 9:00 a.m.
Burbank Airport Hilton
2500 Hollywood Way
Burbank, CA 91505

1. CALL TO ORDER BY CHAIRMAN

Commissioners Present: Van Gordon Sauter, Chairman
Sanford Michelman, Vice-Chairman
John Frierson
Martin Denkin

Commissioners Absent: Al Ducheny
Armando Vergara

Staff Present: Rob Lynch, Executive Officer
Dean Lohuis, Chief Inspector
Earl Plowman, Deputy Attorney General
Anita Scuri, DCA Legal Counsel
Kathy Chilimidos-Barnett, Staff Services Analyst
Jessica Finch, Recording Secretary

(Due to time constraints the items were heard in the following order: 1-2-3-4-24-5-22-6-9-8-10-11-12-13-14-15-16-18-20.3.8-20.3.1-20.3.5-20.3.6-20.3.9-23)

2. APPROVAL OF JULY 12, 2002 COMMISSION MEETING MINUTES

Action: Motion by Vice-Chairman Michelman and seconded by Commissioner Denkin to approve minutes as submitted.

Vote: Unanimous

3. SUMMARY OF CHAIRMAN ACTIVITIES SINCE LAST MEETING

Chairman Sauter stated that he attended the Association of Boxing Commissions Conference. He stated that two highlights of the conference were Commissioner Denkin's participation in an official's clinic and Dr. Wallace's discussion of medical issues.

4. SUMMARY OF EXECUTIVE OFFICER ACTIVITIES SINCE LAST MEETING

Mr. Lynch stated that the Hepatitis C Bill authored by Senator Polanco is now enrolled and awaiting the Governor's signature. He added that the Performance Enhancing Drug Testing Bill authored by Senator Perata is in a suspense committee. Mr. Lynch informed the Commission that he had testified before the Assembly Appropriations Committee and it was questionable as

to whether the California State Athletic Commission was appropriate authority for this issue. He added that this authority may be delegated to the Department of Health or the Department of Justice.

5. LICENSING APPROVALS – NEW APPLICATIONS – SPECIAL CONSIDERATIONS - ACTION

- 5.1 Bjorn Rebney – dba Sugar Ray Leonard Boxing, LLC – Professional Boxing Promoter – Original

Mr. Rebney did not appear.

- 5.2 Alex Gong – dba Fairtex – Amateur Martial Arts Promoter – Original

Mr. Gong did not appear.

- 5.3 Art Dore – dba American Boxing and Athletic Association (ABAA) – Amateur Boxing Promoter - Original

Mr. Lynch informed the Commission that Mr. Dore is the originator of Toughman contests and he has appeared before the Commission numerous times. He added that on each occasion the Commission has denied his request to promote professional or amateur Toughman contests. He explained that Mr. Dore is now requesting a California amateur boxing promoter license and he will abide by the California amateur boxing rules.

Mr. Lynch stated that there are two ways to promote amateur boxing, one is to be sanctioned by USA Boxing, Inc. and the second avenue is to be licensed as a promoter by this Commission and use the Commission's amateur boxing rules.

Mr. Lynch further explained that given that the ABAA will conduct its events consistent with the Commission's amateur boxing rules the following will apply:

1. The ABAA would be required to advertise the events as amateur boxing contests.
2. The amateur boxers would be required to use their own name.
3. An advance notice for all amateur shows must be filed with the Commission at least five days before the date of the event.
4. Given that the Commission's amateur boxing rules do not specifically address the format to be used for amateur tournament style events, it is recommended that each participant be limited to a one bout maximum per day which is what is used by USA Boxing, Inc. The USA Boxing, Inc. basic tournament style format is as follows:
 - A. Events vary in number of days, however, the Golden Gloves is typically held over a four-day period.
 - B. A boxer must weigh in each day of the tournament.

- C. A boxer is not allowed to lose more than two pounds.
 - D. On day of the event, boxer must come in at weight.
 - E. Usually two tournament brackets are set with the winner of each bracket competing for the championship.
 - F. There is one bout maximum per day.
5. No amateur boxing contest shall be more than four rounds of not more than two minutes each, or three rounds of three minutes each in length. There will be a one-minute rest period between rounds.
 6. Commission licensed officials and two certified Commission ringside physicians would be used to oversee the event.
 7. Any representative of the Commission shall have the authority to stop the contest.
 8. An ambulance and a paramedic will be required at the event.
 9. A contestant may not have had more than 5 sanctioned amateur wins in the last five years.
 10. Headgear, an approved groin guard and oversized 16-ounce gloves provided by the promoter will be used.
 11. All contestants must wear a mouthpiece.
 12. Each contestant must be at least 18 years of age.
 13. No person who has attained the age of 36 years shall be issued an amateur license except with the special permission of the Commission. The Commission would require those applicants to submit an EKG, neurological examination and stress test, a demonstration of proficiency in the ring by a gym exhibition witnessed by a qualified Commission employee and a personal appearance before the Commission and such other examinations as the Commission may deem appropriate.
 14. Each contestant must swear in an affidavit that they have sufficiently trained for the event they are competing in (for at least 30 days prior to the event).
 15. Each contestant must be a resident of the area.
 16. Each boxer must be licensed by the Commission which requires each submit a completed Commission application for amateur boxer and a physical/eye examination report completed by a licensed physician.

Mr. Dore then asked if it would be possible to change the rule regarding more than ___ bout in a day during tournaments. Commissioner Denkin suggested that this be approved during tournaments with the assurance that there is sufficient time between bouts.

Chairman Sauter then asked Mr. Lynch the staff's opinion on approving more than one bout per day during tournaments. Mr. Lynch responded that he did not have reservations on approving this as long as sufficient time was allowed between bouts. Mr. Lohuis stated that it was his opinion that two bouts may be allowed, but it was his opinion that any more than that is of concern. Dr. Paul Wallace stated that he had no concern at this time. Mr. Lohuis reiterated that his concerns were based on kickboxing and not boxing tournaments. Mr. Denkin stated that due to the fact that Mr. Dore would be using professional referees and judges it would eliminate the chances of fighters continuing unsafely. Mr. Plowman stated that he has a concern as to the tournament set up such as "who fights whom". He explained that typically it is done in a fashion

that may not be fair to all contestants. Mr. Dore stated that the contestants are typically matched by height and weight.

Chairman Sauter stated that it is his opinion that this license should be approved with Mr. Lohuis notifying the Commission of any problems that may occur.

Mr. Roy Englebrecht, a licensed promoter, stated that he had a concern as to whether or not the Commission could handle the increase in shows if this license were to be approved. He added that he was concerned as to the caliber of fighters that would be participating.

Mr. Chuck Hassett, a licensed referee, stated that he disagreed with Mr. Englebrecht's statement as to the availability of officials.

Chairman Sauter then asked Mr. Dore how many events he planned on having in the State of California. Mr. Dore stated in his best estimate, approximately 10 to 15 shows per year.

Mr. Dore then stated that he would like to use the name Toughman. He added that the name would be ABAA presents Toughman. Vice-Chairman Michelman asked if the program that is used in other jurisdictions is the same as presented today. Mr. Dore stated that the only difference is the use of California licensed officials.

Mr. Lynch reiterated the consensus of the Commission by stating the following conditions would be met upon approval:

- ABAA would abide by Commission amateur rules.
- ABAA would be allowed to hold shows that would be evaluated and a report given to Mr. Lynch as to the particulars of each show.
- Each contestant will fill out the portion of the application completely including the portion pertaining to where the applicant trains and for how long.

Action: Motion by Commissioner Frierson and seconded by Commissioner Denkin to approve license for ABAA with the agreement that the above three conditions.

Vote: Unanimous.

6. APPEAL OF RETIREMENT - ACTION

6.1 William Amato – Professional Boxer

Mr. Lynch explained that Mr. Amato had originally applied for licensure as a professional boxer in 1998. He stated that in his professional debut on November 14, 1998, Mr. Amato was knocked out at 43 seconds of the first round. He added that pursuant to Commission Rule 283 (Ability to Perform) he was retired from professional boxing on November 20, 1998.

Mr. Lynch stated that since Mr. Amato's retirement, he has on several occasions, requested to be on the Commission agenda to appeal his retirement; however, he has never appeared. He further explained that at the October 12, 2000 Commission meeting

the Commissioners decided to act on Mr. Amato's appeal in his absence and voted to uphold his retirement.

Mr. Lynch informed the Commission that Mr. Sam Ferris, a friend of Mr. Amato, requested that the Commission reconsider Mr. Amato's professional boxing license.

Mr. Lynch explained to the Commission that there are several things the Commission should think about when considering Mr. Amato's request. He stated that Mr. Amato is 40 years old, his only professional fight was over 4 years ago, and he has gained 30 pounds in the last 4 years.

Mr. Lynch stated that it is the staff's opinion that it is in Mr. Amato's best interest to deny his appeal and that Mr. Amato remain retired.

Mr. Amato stated that he is the best boxer in the world today. He requested that a Commission member view him spar in a gym. Mr. Amato stated that his first professional fight was not a knock down, but a push.

Commissioner Denkin stated that there must have been justification for retirement in 1998 and suggested that Mr. Amato should be screened by a representative of the Commission before any determination be made.

Mr. Lynch asked Mr. Amato if he had a specific trainer who is training him to which Mr. Amato replied that he did not.

Chairman Sauter then instructed Mr. Lynch to set up a sparring session for Mr. Amato in the near future. Mr. Lynch agreed that he would. Chairman Sauter then informed Mr. Amato that he would be viewed sparring and a report and recommendation would be given to the full Commission he would be required to again appear before the Commission for of its decision on his application for a professional boxing license.

Action: No action was taken.

Vote: No vote was taken.

7. BUDGET REPORT - INFORMATION

This item was not heard.

8. MARTIAL ARTS / MIXED MARTIAL ARTS (CAGE FIGHTING) – PROPOSED DRAFT REGULATIONS – INFORMATION / ACTION

Ms. Scuri stated that this item has come up due to many discussions by the various mixed martial arts bodies requesting that their particular rules be approved. She stated that the idea behind this draft was to try to come up with generic rules that should apply to all martial arts events. Ms. Scuri added that she had distributed a memo regarding the steps for such regulation if the Commission decided to go forward with this idea. Ms. Scuri then suggested that the Mixed Martial Arts Advisory Committee meet after the budget is passed in order to discuss the

proposed regulations. Mr. Lynch asked Ms. Scuri if, instead of conducting a meeting, a mailing could be made and then comments could be submitted to staff. Ms. Scuri stated that this was feasible but that the members of the Committee could not discuss the merits of the regulations among themselves.

Ms. Scuri explained that instead of writing new regulations, this would be updating the current regulations which in her opinion has been needed for quite some time. She reiterated that the members from the martial arts community needed to review the proposal to give feedback.

Ms. Scuri stated that if the Commission wished to pursue this proposal, the Commission would need to instruct Mr. Lynch to solicit comments from the Martial Arts Committee members individually.

Motion: Motion by Vice-Chairman Michelman and seconded by Commissioner Denkin to instruct Mr. Lynch to conduct a query of the individual members of the Mixed Martial Arts Advisory Committee regarding the proposal for updated regulations.

Vote: Unanimous.

9. REGULATION HEARING – RULE 711 – HEADGEAR - ACTION

Mr. Lynch stated that pursuant to a request by the Commission, this regulation was amended to comply with statute. Mr. Lynch explained that the statute states that “every amateur contestant under the age of 18 years shall wear headgear”, while the regulation states that the contestant may wear headgear.

Mr. Lynch stated that staff has not received written comments regarding this amendment.

Mr. Tom Khamvongsak, a licensed matchmaker, stated that he was in support of this amendment.

Motion: Motion by Vice-Chairman Michelman and seconded by Commissioner Frierson to adopt regulation as amended.

Vote: Unanimous.

10. REGULATION CHANGES – ACTION

10.1 Rule 309 – Time Between Bouts

Mr. Lynch stated that at the July 12, 2002 Commission meeting the issue to increase the rest period between bouts was discussed. He informed the Commission that currently boxers who compete in a bout of four rounds or less may not box in the state until two days have elapsed. He added that boxers who compete in a six round bout may not box for four days, and boxers who compete in an eight round bout may not box for five days. Mr. Lynch concluded with stating that boxers who compete in a ten round bout may not box for six days and finally boxers who compete in a twelve round bout may not box for seven days. Mr. Lynch stated that the following increase in the time between bouts is proposed:

- For a bout of **four rounds or less** the boxer shall not be allowed to box in this state until **seven** days have elapsed.
- For a bout of **six or eight rounds** the boxer shall not be allowed to box in this state until **ten** days have elapsed.
- For bout of **ten or twelve rounds** the boxer shall not be allowed to box in this state until **fourteen** days have elapsed.

Mr. Lynch stated that on July 22, 2002 a memo was sent to the Medical Advisory Committee requesting input on the proposed changes. He stated that one response was received from Dr. Gino Signorino stating that the proposed increase in time between bouts was very reasonable and it would place California ahead in its efforts to ensure the safety of the fighter and quality of events.

Mr. Lynch informed the Commission that if the Commission approved the proposed language, staff will set the regulation for hearing. He added that Ms. Scuri may want to address whether or not we have met the necessity requirement established by the Office of Administrative Law.

Ms. Scuri stated that in order for a regulation to be changed, six standards must be met. She explained that one of those standards is necessity. She further explained that there must be substantial evidence for the need for that change. She went on to state that the Office of Administrative Law requires justification for each change (i.e. Seven days vs. ten days). Ms. Scuri stated that at this time necessity was not adequately justified. Mr. Lynch added that although we as a Commission know that these days are adequate, the control agencies do not.

Chairman Sauter then asked Dr. Paul Wallace with Ms. Scuri's assistance, to query the ringside physicians and present statements of justifications for this proposed change from each physician. Dr. Wallace stated that he would.

Action: Motion by Commissioner Frierson and seconded by Vice-Chairman Michelman to set proposed regulation for hearing if substantiating information is obtained from the physicians.

Vote: Unanimous.

10.2 Rule 354 – Warning

Mr. Lynch explained that this language proposal was agreed upon to change the warning at the end of a round from ten seconds to five seconds. He stated that ten seconds at the end of a round gives the referee too much time to interfere with the fighters. He added that it only takes two to three seconds to maneuver in the ring to separate the fighters at the end of the round. Mr. Lynch informed the Commission that seasoned fighters use the last ten seconds to get their "best shot" in and the majority of the fouls occur in the last ten seconds. It was Mr. Lynch's opinion that if there was only a five second warning, it would greatly curtail the fouls and chance for interference.

Mr. Lynch stated that if the Commission approved the proposed language, the staff would set it for hearing. He added that he had queried several members of the Association of Boxing Commissions and the responses were unanimous in support of the five second warning for the above stated reasons.

Motion: Motion by Commissioner Denkin and seconded by Commissioner Frierson to approve proposed language and set it for hearing.

Vote: Unanimous.

11. SPECIAL FUND VS. GENERAL FUND - INFORMATION

This item was not heard.

12. COMPLIMENTARY TICKETS – INFORMATION / ACTION

Mr. Lynch stated it has long been a standing policy that all Commissioners may receive one complimentary ticket for themselves and one for a guest. He added that a Commissioner may not receive more than two complimentary tickets per event. Mr. Lynch explained that all Commissioners will be seated on the ring apron and the promoter accommodates their guests as close to the ring as possible. He further explained that at most “club” level bouts, staff can usually seat the guests on the ring apron. Mr. Lynch stated that it has also been Commission policy that Commissioners desiring to attend events either contact the Executive Officer or Chief Inspector to facilitate the complimentary ticket requests.

Mr. Lynch added that the Commissioners should be aware that according to the Fair Political Practices Commission, any gift over \$50 must be reported on your annual Statement of Economical Interests and no Commissioner may accept any gift of \$320 or more per year from any single source.

13. COMMITTEE APPOINTMENTS - ACTION

Mr. Lynch stated that Commissioner Ducheny was on quite a number of Committees and Commissioner Ducheny has requested that he formally be removed due to the fact that he is heavily involved in his wife’s campaign. The following is a listing of the new Committee members:

Arbitration Committee

Rob Lynch, Executive Officer
Earl Plowman, Deputy Attorney General
Martin Denkin, Commissioner

Pension Plan Committee

Sanford Michelman, Vice-Chairman

Medical and Safety Standards Advisory Committee

Van Sauter, Chairman
John Frierson, Commissioner
Paul Wallace, M.D.
Smith Ketchum, M.D.
Van Lemons, M.D.
Charles Signorino, M.D.
Steven Steinschriber, M.D.
Clarence Shields, M.D.

Legislative Committee

Temporarily Dissolved

Officials' Committee

John Frierson, Commissioner
Martin Denkin, Commissioner

Amateur Boxing Committee

Sanford Michelman, Vice-Chairman
Armando Vergara, Commissioner

Martial Arts Advisory Committee

John Frierson, Commissioner

14. ASSOCIATION OF BOXING COMMISSIONS MEETING – REPORT - INFORMATION

This item was heard under Item 3.

15. BOUT APPROVAL – RATING FIGHTERS - INFORMATION

Mr. Lohuis began with stating that he is proud of California and believes that California has the most qualified and competitive bouts in the United States. He added that he is currently working with Commissioner Denkin on approval of bouts. Mr. Lohuis stated the majority of problems have been approval of bouts with novice fighters. He explained the amateur records of the professional debut fighters come into play although both fighters are still novice. Mr. Louis reiterated that even with the few problems with novice bouts, California still remains at the forefront of having qualified, competitive bouts.

Chairman Sauter then asked Mr. Lohuis if he could review the past years bouts and assimilate a analysis of quality bouts vs. non-quality bouts to gain perspective on the matter. Mr. Louis stated that he along with staff will do this and inform the Commission of the results in the near future.

16. REFEREE ASSIGNMENTS – REFEREE EVALUATIONS – CHAMPIONSHIP CALIBER REFEREES - INFORMATION

Commissioner Denkin informed the Commission that he had been working with Mr. Lohuis regarding the manner in which officials were assigned to bouts. He stated that per Mr. Plowman's instructions, Mr. Lohuis assigned officials on a rotation basis in order to stay neutral and not be accused of favoritism. Commissioner Denkin stated this was a fair and equitable plan. Commissioner Denkin stated that although assignments were equal across the board, the monetary compensation varied greatly between the officials.

Commissioner Denkin stated that it was his understanding that Mr. Lohuis divided the officials into two categories being "A" and "B" with "A" list officials being the most qualified and experienced officials who would be assigned to the most important events.

Mr. Lohuis explained to the Commission that due to legal issues in the past, he was instructed to develop a rotation plan. He further explained that in addition to the rotation, it is his responsibility to assign the most qualified official to work a particular bout for the safety of the boxer. It was Mr. Lohuis's opinion that this current rotation was equitable.

Chairman Sauter then asked Mr. Lohuis, in his opinion, if the Commission currently has too many or too few licensed referees. Mr. Lohuis replied that it was his opinion that there is too many. Ms. Scuri made the comment that the Commission cannot determine how many licensees it may have; if a person meets the qualifications, that person is entitled to a license.

At this time, Mr. Lohuis explained that a large number of referees were trained to become replacements due to the fact the Commission felt the referee population was aging. He further explained that some of the aging referees remained licensed as judges instead of referees and the pool became larger instead of remaining the same or decreasing. Mr. Lohuis stated that it was also his opinion that due to the large pool of licensees, he felt that the officials were not working often enough to "stay as sharp" as they may need to be.

Mr. Plowman explained that use of these guidelines in rotation are being utilized until regulation is done to change it. Ms. Scuri stated that it may be possible to address part of the concern of how officials are assigned by changing the rules on that subject (Rule 330) to include some factors such as "the officials will be assigned by the Commission at the Commission's discretion based upon the official's experience and the best interest of the bout". She further explained that the reason for the rotation was to ensure that there was no pattern or practice of behavior that one could claim they were being discriminated against. Ms. Scuri also suggested that regulations could be drawn to govern referee performance standards. She further added that although it may be subjective, it could contain some type of parameter or guideline.

Mr. Lohuis then stated that the discussion was concerning referees that need to be "at the top of their sport". He further added that in any other professional sport, the officials are evaluated, and if they have become mediocre, they are terminated. Mr. Lohuis concluded with stating that in our sport, we cannot do that – it would take regulation.

At this time, Mr. Chuck Hassett stated that when the decision to train the newest pool of referees was done, that the Referee Association felt that it was unnecessary. He explained that the more experienced referees trained the new officials and shared in the monetary compensation of

working the event. Mr. Hassett stated that the assumption was made that at a certain age, officials would retire. He further stated that it was not the quantity of bouts worked by current officials that was his concern but the quality of the bouts. Mr. Hassett added that it was his opinion that the quality bouts were given to a select group of Mr. Lohuis's choosing. Chairman Sauter then asked Mr. Hassett if the select group he was referring to are the "best" of the current pool. Mr. Hassett disagreed.

Mr. Vince Delgado, a licensed referee, stated that he was in agreement with Mr. Hassett. Mr. Jack Reiss, a licensed referee, also stated that he was in agreement with Mr. Hassett.

Mr. Tom Khamvongsak, a licensed matchmaker, stated that assignment of the 'proper' official is essential to the event and believes that the most qualified official should be assigned regardless of rotation.

Vice-Chairman Michelman stated that creating regulation may be extremely difficult at this time. It was his suggestion that possibly two staff members could sign off on the assignments of officials

Ms. Scuri explained that although the regulation process may be difficult and lengthy, it would be in the Commission's best interest to have standards by which the Commission could determine how to remove an official's license or allow them to retain the license. She further explained that was one reason the previous litigation occurred.

Chairman Sauter stated that he was personally uncomfortable with the rotation process. It was Chairman Sauter's opinion that ranking of an official's qualifications was not unreasonable in assigning them to a particular bout. Chairman Sauter suggested that a comprehensive overview be done of the officials' training, evaluating and assigning. Mr. Plowman explained that in his legal opinion, the system currently in place was the most adequate and equal. Mr. Lohuis concurred with Mr. Plowman regarding the current options available, it was his concern for what the future may hold for the Commission as far as the large pool of officials.

Commissioner Frierson stated that some of the officials had confided in him that they were very hesitant to disagree or discuss any assignment with current staff for fear of retaliation (ie. not working). He stated that at the first Commission meeting that he had attended, a young official had spoken with the preamble that "he hoped that his opinion wouldn't affect his schedule". These issues are of great concern to Commissioner Frierson.

Ms. Scuri stated that in no other board of bureau does a licensee actually enforce rules of the licensing agency. She stated that due to this, regulation is strongly suggested to define the process and a tool to use for the Commission.

Chairman Sauter suggested that Ms. Scuri work with Commissioner Denkin and Mr. Lynch to develop a proposal for a regulation concerning the training, evaluation and assignment of officials.

17. PROMOTER BOND REQUIREMENTS - INFORMATION

This item was not heard.

18. PROMOTER CHECKLIST - INFORMATION

Commissioner Frierson stated that at the last few events that he attended it had come to his attention that the promoters were not aware of the requirements needed to conduct an event. He stated that he had come up with a checklist that could be given to the promoter at the time a card is submitted. He added that the following is said checklist:

- Insurance coverage
- Bond coverage
- Participant's Pay
- Boxer's Federal ID at Weigh-In
- Paramedic / EMT present at Event
- 26 Rounds plus standby bout
- Condition of Ring
- Glass containers
- Event Start time

Commissioner Frierson stated at one event the start time was approximately 9:00 p.m. due to the fact that no paramedic or EMT was present. Commissioner Denkin stated enforcement of these items need to be done on a more consistent basis. He added that this checklist would be beneficial to all of the promoters. He also added security should be added to this checklist.

Ms. Scuri made the statement that since the promoters are given a copy of the rule book at time of licensure, there is no excuse for the promoter not complying with the rules.

Mr. Roy Englebrecht, a licensed promoter, stated that it was his opinion that the new promoters are not required to have a history of involvement in the boxing arena therefore, poor quality of promoters are being licensed. He further added that new promoters should be required to attend some type of training before licensure.

Chairman Sauter suggested that a checklist be drafted and given to each promoter when a date is requested to be reserved for an event. Mr. Lynch stated that a draft would be drawn and distributed to all licensed promoters within 30 days.

19. RELATIONSHIP WITH TRIBAL CASINOS – INFORMATION

This item was not heard.

20. COMMITTEE REPORTS – INFORMATION / ACTION

20.1 Arbitration Committee Report

This item was not heard.

20.2 Pension Plan Review Committee Report

This item was not heard.

20.3 Medical and Safety Standards Advisory Committee Report

20.3.1 Weigh-Ins and Weight Gain Prior to Bout

Dr. Wallace stated that the State of Nevada has done a recent two year study on weight gain prior to a bout. He explained that the consensus was there was 0% significance in terms of knock-out ratio, win-loss record, or hospitalization. He stated that after discussion from the Advisory Committee, he would be able to have a more thorough presentation for the Commission.

20.3.2 Water/Other Fluids Permitted In Corner

This item was not heard.

20.3.3 ABC Medical Report

This item was not heard.

20.3.4 Injury Update

This item was not heard.

20.3.5 Commission Retirement of Fighters

Dr. Wallace stated that this was not an issue medically, but for lack of ability which falls under the jurisdiction of the Commission staff rather than the physicians.

20.3.6 Medical Insurance Forms

Dr. Wallace stated that the promoters were not providing the individual forms to the fighters that may be injured. Mr. Plowman suggested that this be added to the checklist provided to the promoters.

20.3.7 Post-Fight Medical Instructions

This item was not heard.

20.3.8 Next Medical Advisory Committee Meeting

Dr. Wallace stated that a meeting was necessary. Ms. Scuri stated that in the absence of a signed budget, if a meeting were to take place, it would have to be at the Advisory Committee's own expense.

Mr. Lynch requested that Dr. Wallace submit a draft agenda as soon as possible to which Dr. Wallace agreed.

20.3.9 Physician Assignments

Dr. Wallace stated that there are a large number of ringside physicians available in Orange County and none in the Central Valley. He stated that in the event that there is no physician available, he has agreed to be available to work an event. He further added that he is required to pay his own travel. Dr. Wallace explained that there are instances where the compensation from the promoter to work the event

is less that the cost of attending the event, in essence, he is paying to work an event. He stated that this may be a reason why physicians may refuse work outside their geographical area.

Dr. Wallace informed the Commission that the applicants and members for the Medical Advisory Committee were asked if they would participate as ringside physicians to which only a handful stated that they would.

Dr. Wallace explained that in making suggestions to the Commission on physician assignments he takes into consideration the following:

- Location (proximity to physician)
- Experience
- Mobility and General Health of Physician
- Decision Making Ability
- Communication Skills
- Compatibility with other Physicians
- Follow-up for Injury ability
- Refusal Rate of Physician

Dr. Wallace stated that it is his opinion, that by definition of his responsibility, he is essentially a Medical Director. He stated that regulation should be drafted to establish this position in the Commission. He also added that he would like to inform the Commission that he does bill the individual fighter and/or the insurance company for any medical attention given to that fighter at an event or after an event for an injury that occurred at the event. He stated this is due to the fact that he must pay for his own travel for the events and must close his personal business to ensure the Commission has adequate coverage for a particular event.

Chairman Sauter suggested that Commissioner Frierson discuss this issue with Mr. Lynch and report back to the Chairman and/or Commission on the results of discussion.

20.4 Legislative Committee Report

This item was not heard.

20.5 Officials' Committee Report

This item was not heard.

20.6 Amateur Boxing Committee Report

This item was not heard.

20.7 Strategic Plan Committee Report

This item was not heard.

20.8 Martial Arts Advisory Committee

This item was not heard.

21. AGENDA ITEMS FOR FUTURE MEETINGS

Standards for Retirement of a Fighter

Proposed Regulations for the Training, Evaluation, and Assignment of Referees

Action on the Four Pension Items Discussed at this meeting.

22. COMMISSIONERS' COMMENTS AND/OR RECOMMENDATIONS

Commissioner Denkin informed the Commission that Mr. Patrick Russell was the previous president of the Association of Professional Referees. He explained that due to Mr. Russell's busy schedule, Mr. Russell has appointed Mr. Chuck Hassett, another licensed referee, to the presidency.

23. PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Dr. Hamilton asked the Commissioners to provide them with their email addresses if they wish to receive any reports regarding what is taking place out in the field.

Dr. Hamilton informed the Commission that on two occasions he was contacted regarding underground shows that were taking place with the Commission's knowledge. Mr. Lynch explained to Dr. Hamilton that an official letter to cease and desist was sent out on one occasion and the other was considered a wrestling event. He further explained that the event that was considered a wrestling event, the bouts had predetermined winners and the event was taxed just as any other wrestling event. Mr. Lynch added that the predetermination was submitted in writing and did occur.

24. PROFESSIONAL BOXERS' PENSION PLAN – INFORMATION / ACTION

(Due to time constraints this item was heard after Agenda Item 4)

Mr. Lynch informed the Commission that Mr. Andy Lowe; the Commission's investment services provider and Mr. Kevin Long, the Commission's pension attorney, were both in attendance and wished to address the Commission on the following issues:

- Confirmation and approval of the movement of monies to the new money manager pursuant to new IFB (Mr. Lowe won the bid for this service)
- Confirmation of the renewal of the Investment Policy Statement
- Delegation of authority to the Pension Advisory Committee for limited investment policy action consistent with the Investment Policy Statement
- The annual compliance cycle

Mr. Long stated that he had appeared before the Commission in December 2001 in regarding the new IFB for the pension plan. He informed that the Pension Committee had met via conference call on several occasions to review the terms of the IFB. He further informed the Commission that Wacovia Securities (previously First Union) had won the bid once more. Mr. Long stated that Wacovia Securities had selected a new money manager that Mr. Lowe will elaborate on. He

stated that one of the items discussed previously at the Pension meetings was the asset allocation of the plan. He added that it was discussed and resolved that the Commission would go ahead with the IFB with the same assumption with regards to the asset allocation and that once the new investment services provider was in place, the issue would be re-addressed if the Commission wished to do so. Mr. Long added that the investment policy had been distributed to all Commissioners and needed to be revised to reflect actual numbers contributed to the fund.

At this time Mr. Long asked that the Commission delegate the authority to the Pension Committee to take action between Commission meetings to the extent necessary to respond to Mr. Lowe's request for action in compliance with the investment policy in place. Mr. Long informed the Commission that an issue had arisen in which a movement in the market had taken place and Mr. Lowe had advised that money be moved from the equity and bond fund and the money was not able to be moved due to the fact that a Commission meeting was unable to be held and the Commission was unable to take advantage of earnings that would have benefited the Pension Fund.

Mr. Long stated the Commission is required to have a pension report annually pursuant to regulation. He added that himself, the Pension Committee and Mr. Lohuis had been working feverishly for some time and should have a report for 2001 available by November 1, 2002. Mr. Long explained that this report should state the financial condition of the Fund, the number of currently covered boxers, the number of covered boxers that are entitled to benefits, the total amount that's been expended for benefits, the number of applicants that may have requested benefits and may have been denied, an itemization of administrative costs and any other information that the Commission may deem appropriate.

Mr. Long recommended that Mr. Lowe report to the Commission twice a year and Mr. Long report once a year with the annual report.

Commissioner Frierson then asked if the need to delegate authority was due to the fact that Mr. Lowe could not wait the 10 days needed for notice to make a decision regarding the Pension Fund. Mr. Lowe explained that last month a situation had arisen in which there was a large drop in the market in which he felt it was imperative that money be moved but was unable to accomplish this thus the Fund lost 20% move in the equity market for the last month.

Mr. Lowe stated that he had appointed one money manager instead of the two previous managers. He stated that it was his opinion that quick decisions do have to be made at times and that the Pension Committee should have the authority to do so.

Vice-Chairman Michelman then asked Ms. Scuri if the Commission could vote on giving the Pension Committee such authority and she stated that the Commission was able to vote on this item at this meeting.

Mr. Lowe informed that the packet that he had give out to each Commissioner included the history of the Pension Fund. He further stated that justification for changing the money manager from two managers to one was also included in this packet. Mr. Lowe added that the performance thus far was also included and explanation of profit/loss was included. Chairman

Sauter suggested that at the February 2003 a discussion of the Pension Fund be done. Mr. Lowe stated that he would be available for discussion.

It was agreed that the next meeting be held on October 17, 2002 at a venue to be announced.

The meeting was then adjourned at 1:00 p.m.

The draft minutes were prepared by:

JESSICA FINCH

DATE

The final minutes were prepared by:

JESSICA FINCH

DATE